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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,893	02/10/1999	THOMAS J. EDWARDS	660001.479	8170

48500 7590 04/26/2005  
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EXAMINER

DEANE JR, WILLIAM J

ART UNIT PAPER NUMBER

2642

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/247,893

Applicant(s)

EDWARDS ET AL.

Examiner

William J Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7 pages</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 68 – 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, it is not clear as to what is being claimed. Are applicants claiming a computer memory or a data structure?

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,641 (Tonisson).

Tonisson teaches the limitations as claimed in the instant application.

With respect to claims 1, 8 – 11, 16, 29, 60, 63, 71 note that Tonisson teaches a method for determining if an agent should be assigned to an agent pool for a work type comprising: determining if an agent's first value (note skill values, Col.2, lines 1 – 8, Col. 4, lines 3 – 9) for the work type is less than an agent's second value (Col. 4, lines 49 – 52) for the work type, determining a composite preference value (Col. 3, lines 6 – 17,

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Col. 10, line 33 – Col. 11, line 24. With respect to an indicator, it would be obvious (if not inherent) to have such an indicator so that the facility can assign agents accordingly.

With respect to claims 2, 7 28 and 61, note use of determining a dynamic preference value (Col. 1, lines 62 – 67).

With respect to claims 3, 62, note if not explicitly stated elsewhere in Tonisson, note Col. 4, lines 49 – 52. If the determined preference value is 0, the composite value will equal the dynamic value. Therefore, for at least this reasoning, Tonisson reads on this limitation.

With respect to claims 4 - 6, 21, 58 – 59, note Col. 9, lines 2 – 22. In addition, the use of weighting factors are old in the art and it would be obvious to one of ordinary skill in the art to use such wherever it was deemed necessary.

With respect to claims 12, 31 such limitations are obvious in light of the above.

With respect to claims 13 - 15, 18, 32 note Col. 10, line 8 – Col. 11, line 54.

With respect to claims 17 and 19 - 20, such a limitation is obvious from the above.

With respect to claims 22 - 27, 30, 33 note the above.

With respect to claims 34 – 44 are analogous to the claims above and are rejected under the same reasoning. Difference, server substituted for agent.

Claims 45 – 51 and 90 - 91 are same as the claims above accept claiming the same limitations above in a computer readable environment.

With respect to claims 52 - 57, 64 – 70 and 92 - 96 note the rejections above. Though Tonisson does not explicitly recite comparators or processors or function

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providers or timers or data structures calculators, a fair reading of Tonisson shows that such limitations are inherent.

With respect to claims 72 – 74, such limitations are obvious from the above.


With respect to claims 75 – 89, claims mirror the claims above, except server is substituted for agent.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484.

In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9314.

17Apr2005

  
**WILLIAM J. DEANE, JR.**  
**PRIMARY EXAMINER**